

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JOSHUA COULES,

Plaintiff,

v.

No.: _____

SERVICEMASTER BY FLOORSERVE,

Defendant.

COMPLAINT

NOW COMES Plaintiff Joshua Coules, by and through his attorney of record, for his Complaint against ServiceMaster by Floorserve, and states as follows:

1. This is a complaint for money damages to recover compensatory damages, attorney's fees, and other relief from Defendants for violations of the Fair Labor Standards Act ("FSLA").

PARTIES

2. Plaintiff Joshua Coules is an adult resident of Shelby County Tennessee over the age of eighteen (18) years old.

3. Defendant, ServiceMaster by Floorserve, is a Tennessee corporation located in Memphis, Tennessee, authorized to do business within the state of Tennessee, and doing

business in Shelby County, Tennessee. At all times relevant herein, ServiceMaster by FloorServe, is an employer as defined by 42 U.S.C. § 2000e-(b) and as contemplated by 29 U.S.C. § 203(d).

JURISDICTION AND VENUE

4. This is an action for unpaid wages, damages, and other relief under the Fair Labor Standards Act , 29 U. S. C. §201 et seq.

5. This Court has subject matter jurisdiction of Plaintiff's Federal law claims pursuant to 28 U. S. C. §1331.

6. Plaintiff and Defendant reside in this judicial district and a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this district. The unpaid wages sought in this action were earned in this district. Venue is proper in this district and division pursuant to 28 U. S. C. §1391(b).

FACTUAL ALLEGATIONS

7. At all relevant times herein, Plaintiff was an employee of ServiceMaster by Floorserve as contemplated by the FLSA.

8. At all relevant times herein, Plaintiff was misclassified by Defendant as exempt from overtime requirements of the FLSA.

9. From the time periods of July 21, 2008 through June 14, 2009 Mr. Coules was a dedicated employee who worked anywhere from fifty (50) to eight (80) hours per week.

10. Plaintiff was subject to the same policies, procedures, rules, and regulations as other similarly situated employees who were paid on an hourly rate.

11. Plaintiff was not an exempted employee and therefore eligible for overtime compensation under the FSLA.

12. Plaintiff routinely worked more than forty (40) hours a week but was not paid overtime as required by law.

13. Upon information and belief, Defendants failed to record the working hours of Plaintiff.

CLAIM FOR RELIEF – UNPAID OVERTIME UNDER THE FSLA

14. The allegations set forth in paragraphs 1-13 are incorporated by reference as if fully set forth herein.

15. Plaintiff worked more than forty (40) hours per week and was not compensated for any overtime pay as required by law.

16. Defendant knew or showed reckless disregard for the matter of whether their failure to pay overtime was prohibited by law.

17. Plaintiff has been damaged from Defendant's failure to pay the overtime pay required by law.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That the Defendant be served and required to answer within the time prescribed by law;
2. That a jury try this cause;
3. That Plaintiff be able to recover unpaid overtime wages, liquidated damages, attorney's fees, and other relief by reason of Defendant's violations of the FSLA; and,
4. For such other, further, and general relief as the Court may deem just and proper.

Plaintiff Demands A Jury To Try The Issues.

DATE: August 31, 2010

Respectfully Submitted:

/s/ T. Edgar Davison
T. Edgar Davison, Esq. B.P.R. #024388
Attorney for Plaintiff
6000 Poplar Avenue, Suite 250
Memphis, Tennessee 38119
Phone: (901) 271-5566
Fax: (901) 271-5567